

IN THE SENATE

SENATE BILL NO. 1129

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE REVISED UNIFORM ANATOMICAL GIFT ACT; AMENDING SECTION 39-3422, IDAHO CODE, TO REVISE DEFINITIONS, TO REMOVE A PROVISION REGARDING THE WITHHOLDING OR WITHDRAWING MEASURES NECESSARY TO ENSURE MEDICAL SUITABILITY OF AN ORGAN AND TO PROVIDE FOR THE RESOLUTION OF CONFLICT BETWEEN THE TERMS OF A DECLARATION OR DIRECTIVE AND THE EXPRESS OR IMPLIED TERMS OF A POTENTIAL ANATOMICAL GIFT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-3422, Idaho Code, be, and the same is hereby amended to read as follows:

39-3422. EFFECT OF ANATOMICAL GIFT ON ADVANCE HEALTH CARE DIRECTIVE. (1) In this section:

(a) "Advance health care directive" means a power of attorney for health care or a record signed or authorized by a prospective donor containing the prospective donor's direction concerning a health care decision for the prospective donor.

(b) "Declaration" means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor.

(c) "Health care decision" means any decision ~~made~~ regarding the health care of the prospective donor.

(2) If a prospective donor has a declaration or advance health care directive, and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of an organ a part for transplantation or therapy may not be withheld or withdrawn from the prospective donor, unless the declaration expressly provides to the contrary, the prospective donor's attending physician and prospective donor shall confer to resolve the conflict. If the prospective donor is incapable of resolving the conflict, an agent acting under the prospective donor's declaration or directive, or, if none or the agent is not reasonably available, another person authorized by law other than this chapter to make health care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict. The conflict must be resolved as expeditiously as possible. Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor under section 39-3409, Idaho Code. Before resolution of the conflict, measures necessary to ensure the medical suitability of the part may not be withheld or withdrawn from the prospective donor if withholding or withdrawing the measures is not contraindicated by appropriate end-of-life care.